

COMMISSIONERS APPROVAL

CHILCOTT *gc*

THOMPSON *AT*

LYONS

PLETTENBERG (Clerk & Recorder)

Date.....May 22, 2007

Members Present..... Commissioner Chilcott,
Commissioner Alan Thompson and Commissioner Howard Lyons

Minutes: Beth Farwell

The Board met in regard to the request for services for the needs analysis of the 9-1-1 Center relocation. Due to other pending issues, Commissioner Thompson made a motion to continue this meeting until 10:00 a.m. on Friday, May 25th. Commissioner Lyons seconded the motion and all voted "aye".

The Board met for a personnel issue regarding a grievance complaint by the Ravalli County Flood Plain Administrator Laura Hendrix against Commissioner Howard Lyons. Present at this meeting was the Attorney representing Commissioner Lyons, Mr. Will Ballew, Attorney Stacey Weldele-Wade representing Laura Hendrix, Planning Director Karen Hughes, Human Resource Director Skip Rosenthal and Civil Counsel Alex Beal.

Attorney Will Ballew clarified the reason for this meeting with Alex Beal, while Skip noted this meeting would be the third step of the grievance procedure.

Skip advised the Commissioners he believed there was nothing further the Department Head could do in order to resolve this issue. Therefore at this point Laura's grievance against Commissioner Lyons goes directly to the Board of County Commissioners. The Commissioners are bound by the Code of Ethics whereas the County of Ravalli has a personnel policy.

Attorney Stacey Weldele-Wade stated she would like the issue resolved. The treatment of Ms. Hendrix was not appropriate. She added Laura has a letter (which was given to the other parties) addressing what she would like the outcome of this issue to be. Stacey also noted it was Ms. Hendrix's decision to have this meeting be an open door meeting.

Will stated Commissioner Lyons could very well write a letter to Ms. Hendrix as she has requested, however it will not include an apology to the exact words of "you better watch your back". He also stated the letter will not disclose the name of the party that telephoned him, but it would state that she will be provided with a safe and non-hostile

work environment that is free of retaliation. Will then stated; 'please let Mr. Lyons prepare a letter of apology'. Stacey stated the words 'watch your back' were Commissioner Lyons choice of words, not Ms. Hendrix's. She further added Commissioner Lyons stated it was someone specific who complained directly to him regarding Ms. Hendrix's position, and Commissioner Lyons knows the identity of 'that someone'. Will replied the statement of "watch your back" can be defined as non-threatening, as he has friends say to him to "watch my back" in a friendly cautionary capacity.

Stacey noted the head of Ravalli County Government could very well say that to a subordinate in a cautionary manner. However, this is her boss telling her to 'watch her back'. Secondly, Stacey noted Will has indicated Commissioner Lyons had repeatedly said he means no harm to her, and while Will was not personally present at this conversation, this is his understanding and not Ms. Hendrix.

Will relayed Commissioner Lyons has never made the representation that Laura misunderstood him. As far as he is concerned, he is not aware of any protection of a constituent in regard to the aspect of governmental operations. If the person was not making any threats, and not intending any harm in a public meeting; then we better understand the information.

Will advised Commissioner Lyons now is his chance to say that he had not meant any harm. Commissioner Lyons stated he thought he had already said it. Will directed Commissioner Lyons to say it now. Commissioner Lyons then stated to Laura "we just need to be careful on how we do our jobs, working in this situation as we are, many of the decisions that we make here are not perceived as in everyone's best interest, some people are going to take them the wrong way, some are going to take them as harmful".

Stacey asked "may I ask a question?" Will replied no. Commissioner Chilcott advised Attorney Will Ballew that he will be directing this meeting, not him. Will replied he is not sure he wants his client responding to Attorney Weldele-Wade cross-exam.

Commissioner Chilcott replied this meeting has been defined as a hybrid, resulting from their last meeting. He further indicated this employee needs to understand she has a safe, non-hostile work environment. He stated the issue here is if the intention was verbal, physical or stressful. He noted there were no minutes taken at the last meeting. Commissioner Chilcott further relayed Commissioner Lyons' constituent had told him to tell Ms. Hendrix to 'watch her back'. Then, Commissioner Lyons informed Commissioner Thompson and Commissioner Chilcott the person really didn't say that. Mr. Morton was apparently the source that implied the threat to Ms. Hendrix. And after the identify disclosure, it was then withdrawn.

Will asked Commissioner Lyons if there been any constituent(s) that told him to threaten Ms. Hendrix. Commissioner Lyons replied no. Will also stated; 'there is no way that they can operate here if they knew such things'.

Will also asked Commissioner Lyons if he had received calls from people that were upset about flood plain issues. Commissioner Lyons replied there certainly were calls of that nature. Stacey asked Commissioner Lyons to explain his position of 'no harm' against Ms. Hendrix as the statement made by him is not perceived, but factual (as to the threat intended). Stacey stated the floodplain administration (that is being done by Laura) is professional and appropriate. She asked Commissioner Lyons what exactly he communicates when he receives phone calls about the floodplain administrator's performance, and then state to that person to 'watch your back'. Stacey noted Ms. Hendrix has already been the victim of some property issues and threats which gives her great concern. She also noted Ms. Hendrix has done a great job in her position and has never been criticized as doing a bad job. In regard to the safe working environment issues; frankly Commissioner Lyons needs to alter the way he does his job. Stacey noted 'these unnamed people that are providing the information or complaints to Commissioners Lyons, and then he feels compelled to tell Laura to "watch her back". He didn't tell her that she was doing her job improperly or incorrectly. She stated this cause's great concern when he will not disclose the names of these people to Ms. Hendrix.

Will stated that he is not sure that Ms. Hendrix will be satisfied here today. He will take these matters under advisement and discuss with his client (Commissioner Lyons) how a Commissioner should address their job. Will stated he wants to make a point about 'just writing a letter that was threatening, as it discloses a couple of facts'. Ms. Hendrix had previous issues where she was actually threatened and is 'now reading more into something than what actually happened'. Will stated you can tell someone to "watch your back", cross your T's, dot your I's and that is not threatening. He has stated from the beginning they would write a letter to Ms. Hendrix. He also stated no one believes Commissioner Lyons would physically hurt her. Will asked if anyone in the room believes Commissioner Lyons would do Laura any physical harm. He stated the group is sitting here convened as a semi-quasi jury. There is no right to privacy anymore. Commissioner Lyons, in this case, has no confidentiality to his phone calls. Will added he would not disagree Ms. Hendrix has a pretty good idea of where these calls came from.

Civil Counsel Alex Beal interjected he doesn't think Commissioner Lyons' privacy is at issue here, as there are people who feel that they can communicate with a Commissioner.

Commissioner Chilcott asked Will if he thinks there is any privacy concern between an elected official and constituent. Will replied this is not where his expertise lies.

Commissioner Thompson stated it seems to him that they have gotten far off field of where they need to be. If Commissioner Lyons took those certain steps and the Board took some steps, this wouldn't be happening. Next month, there will be new Commissioners taking office. Commissioner Thompson stated new Commissioners come on board we will have a meeting to go over the rules and the Code of Ethic. And we will take the newly elected officials office to office and introduce them. Commissioner Thompson stated at this point in time, they need to see a written letter of apology to Ms. Hendrix. He noted Ms. Hendrix has requested Commissioner Lyons not have one on one

contact with her in the future. He feels these are reasonable requests. As for right to privacy; he agrees when you are elected, you no longer have a right to privacy.

Attorney Weldele-Wade stated her only concern, in addition to the elements Commissioner Thompson has mentioned, is their request for the identity of the individual who made the threatening call to Commissioner Lyons. She stated that is of great concern to her and her client that Commissioner Lyons will not disclose this information. If the phone call was not threatening there would be nothing to hide. And if there are constituents out there making threats to Ms. Hendrix, we see that as a 'very nasty way of frankly, controlling government in an inappropriate manner'.

Alex stated there is one major flaw that when an elected official is involved; the Board as a whole cannot compel the release of any information.

Commissioner Chilcott noted Ms. Hendrix expects a written apology. Commissioner Lyons replied 'no problem'. Commissioner Chilcott asked Commissioner Lyons if he could disclose the name of the person who told him to tell Ms. Hendrix to "watch her back". Will replied they will take that under advisement. Commissioner Chilcott stated there a consensus for a written disclosure of the constituent's statements of "watch your back" to Ms. Hendrix.

Commissioner Thompson added each of us here throughout the community come in contact with people that are upset with Sheriff's Office or the Planning Department, etc. If there are specific names of constituents, then they should be revealed to Ms. Hendrix in order to provide a safe, non-hostile work environment.

Commissioner Chilcott asked Commissioner Thompson if there is consensus for the protection of the county employees? Commissioner Thompson replied yes. Commissioner Chilcott asked Commissioner Thompson if there is consensus for a safe and non-hostile work environment for the county employees. Commissioner Thompson replied yes. Commissioner Chilcott asked Commissioner Thompson if it is a good idea there be no further 'one on one contact' between Commissioner Lyons and Laura Hendrix? Commissioner Thompson replied yes and if Commissioner Lyons had to discuss something with Ms. Hendrix, should he be required to take another party with him? Commissioner Chilcott and Commissioner Lyons both replied yes. Will replied they agree to all of what was just stated, other than the disclosure of the name. He and his client will discuss of this.

Commissioner Chilcott asked when they could anticipate a letter of apology. Will replied the letter would be issued by the end of the week. Commissioner Chilcott added the Commissioners will draft a letter from the entire Board which will be a conduit for communication in the future. Commissioner Lyons can be a co-signature. Commissioner Lyons stated he has no problem with that. Commissioner Chilcott asked Stacey and Ms. Hendrix if there was anything the Board could do to make her feel safe. Attorney Weldele-Wade and Ms. Hendrix both replied not at this time.

Commissioner Chilcott asked Commissioner Lyons if he had any further comment. Commissioner Lyons replied he is sorry this had to go so far and for his choice of words to Ms. Hendrix. He apologized to her and everyone present. He stated there was no evil intent, nor threat of bodily harm to Ms. Hendrix. It was just a feeling he had at the time. He stated they all need to watch themselves as 'no evil intent can get you into quite a lot of problems'. He stated this is not just for floodplain matters, but for road matters etc. as we all say things that can be taken in a different manner. Commissioner Lyons once again apologized to Ms. Hendrix. He stated she is certainly welcome to any names that caused him to go down that road.

Alex suggested the Board pass a motion to write a letter from the entire Board to Laura Hendrix ensuring her a safe, non-hostile work environment. Commissioner Lyons made a motion to write a letter of apology to Ms. Hendrix. Commissioner Thompson seconded the motion and all voted "aye".

In other business, the Board met with Peg Platt and other members of the Animal Control and Protection Board for discussion and decision on an agreement with local vets in regard to issuing dog licenses. Member Linda Perry stated this proposed agreement came about as they were trying to coordinate a 3-year license with a 3-year rabies vaccination and a 1-year license with a 1-year vaccination. They did not want a dog to have a 3-year license but a 1-year rabies vaccine. Veterinarians would receive \$2.00 to compensate them for issuing a dog license. Commissioner Thompson made a motion to adopt Resolution No. 2109 which sets up the dog licensing procedures which includes. Commissioner Chilcott seconded the motion and all voted "aye".